IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION No. 5999/2005
IN
FIRST APPEAL No. 1968 of 2006

Union of India. .. ..Appellants.

Vs.

Neru Babu Solanki
and Ors. .. ..Respondents.

Mr. A. N. Samant, Advocate for Appellants.

E.P. Bharucha, Sr. Counsel with Sarosh
Bharucha i/b. M.B. Singh for the
Respondent Nos. 1 to3.

CORAM: S.B.DESHMUKH,J.
DATED: 22ND AUGUST,2006.

P.C.:-

1] Heard the learned Counsel for the Parties.

2] After hearing the learned Counsel for the Parties, Appeal filed on behalf of the Appellant is admitted by this Court. By this Application, the Applicant is seeking stay to the Judgment and Decree passed by the Railway Claims Tribunal in Original Application

No..116/2001 on 20th July, 2005. Tribunal, on appreciation of all evidence, allowed the Application filed by the Respondents and awarded an amount of Rs.4,00,000/- towards compensation with interest at the rate of 6% per annum from the date of the Judgment/Decree.

3] The learned Counsel for the Applicant submits, since the Appeal is admitted by this Court, execution of the Judgment and Decree passed by the Trial Court be stayed.

4] The Judgment and decree passed by the Railway Claims Tribunal, virtually, is a money decree in favour of the Respondents. Said money decree passed by the Railway Claims Tribunal in Original Application no.116 Of 2001, is questioned in this First Appeal filed on behalf of the Appellant/Applicant. In this view of the matter, considering facts and circumstances, in the present case, in my view, this Application can be favourably considered, on condition that the Applicant shall deposit entire decretal amount in this Court within a period of eight weeks from

today.

5] The learned Counsel for the Respondents submits, that the Respondent No. 1 and 2 are the parents of the deceased and Respondent No.3 is the brother of the deceased. The First Appeal, admitted by this Court, will be considered for final hearing in due course of time. The learned Counsel for the Applicant submits that the amount of compensation can be invested with any Nationalized Bank and an arrangement for payment of interest on quarterly basis may be directed.

6] After hearing the learned Counsel Mr. Samant for the Applicant, in my view, such directions can be given for payment of interest to the Respondents.

7] In the result, Civil Application is allowed in terms of prayer clause (a) subject to condition that the Applicants shall deposit entire decretal amount in this Court, within a period of eight weeks from today. In case of default to deposit the decretal amount within stipulated time, stay granted by this Court

shall stand vacated without reference to this Court.

8] On deposit of the decretal amount by the Applicant, in this Court, Registry is further directed to invest the said amount with the Bank of India, Main Branch, Bombay, initially, for a period of seven years. In the absence of any order from this Court, said invested Fixed Deposit shall stand renewed every time for a period of three years. Registry is also directed to make necessary arrangement for payment of interest, on quarterly basis, to the Respondents, in the absence of any order from this Court and till the disposal of the Appeal pending in this Court.

9] Civil Application is accordingly allowed and disposed of in the above terms.

[S.B.DESHMUKH,J.]